

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

BEST DEVELOPMENT & CONSTRUCTION)
CORPORATION,)
Plaintiff,)
) 3:05-cv-251
v.)
)
AMSOUTH BANK,)
Defendant.)

ORDER

This matter is before the court on the report and recommendation filed by United States Magistrate Judge H. Bruce Guyton [ECF # 20]. No objections have been filed by the parties. After a careful review of this matter, the court is in complete agreement with the magistrate judge's recommendation that the plaintiff's motion for leave to file an amended complaint [ECF # 10] should be granted, that the defendant should be given leave to file an amended notice of removal to state with specificity that AmSouth is a corporation which has been incorporated in Alabama, and that plaintiff's motion to remand [ECF # 8] should be denied. The court therefore **ACCEPTS IN WHOLE** the report and recommendation under 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b). It is **ORDERED**, for the reasons stated in the report and recommendation, which the court adopts and incorporates into its ruling, that the plaintiff's motion for leave to file an amended complaint [ECF # 10] is **GRANTED** and plaintiff's motion to remand [ECF # 8] is **DENIED**. AmSouth's motion to amend notice of removal of action [ECF # 21] is

GRANTED.

IT IS SO ORDERED.

ENTER:

s/Thomas W. Phillips
UNITED STATES DISTRICT JUDGE